

IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF MISSISSIPPI
SOUTHERN DIVISION

UNITED STATES OF AMERICA

v.

CRIMINAL NO. 1:22cr156-HSO-RPM-1

KENDALL D. CLOUD

MOTION FOR COMPETENCY HEARING

COMES NOW the Defendant, KENDALL D. CLOUD, and files this motion for a hearing to determine the mental competency of the defendant pursuant to Title 18, United States Code, Section 4241(a). The defendant further moves this Court to order that the defendant undergo a psychological evaluation pursuant to Section 4241(b) and (c) of Title 18 of the United States Code. In support of this motion, the defendant would show as follows:

I

On December 1, 2022, Cloud was charged in this Court *via* criminal complaint with possession of a firearm by a convicted felon in violation of 18 U.S.C. § 922(g)(1). An indictment was returned December 6, 2022, charging Cloud with one count of possession of a firearm by a convicted felon. The matter is currently set for change of plea notification deadline on October 16, 2023, with a pretrial conference on October 24, 2023, and trial on November 6, 2023.

II.

The Defendant was evaluated by Amanda Gugliano, Psy.D. on August 27, 2023, due to concerns about his competency and ability to assist in his defense and his understanding of the court proceedings. A report was provided to undersigned counsel on September 27, 2023, where Dr. Gugliano is of the opinion that the Defendant is suffering from a mental disease, specifically,

a psychotic disorder, that renders him mentally incompetent to the extent that he is unable to rationally understand the nature and consequences of the proceedings against him and is unable to assist properly in his defense. For this reason, the undersigned submits that a psychological evaluation of the defendant would serve the interests of justice.

III.

Assistant United States Attorney, Annette Williams, has been contacted concerning this motion, and does not oppose it.

IV.

The defendant agrees that the delay attributable to the evaluation shall not count against the Government for purposes of the Speedy Trial Act.

V.

For the foregoing reasons, the undersigned attorney, requests that a hearing be held pursuant to 18 U.S.C. § 4241 to determine if the defendant may presently be suffering from a mental disease or defect rendering him mentally incompetent to the extent that he is unable to understand the nature and consequences of the proceedings against him and/or to assist properly in his defense.

WHEREFORE PREMISES CONSIDERED, the Defendant respectfully requests that this motion be granted and that the Court enter an order scheduling a competency hearing in this matter.

Respectfully submitted, this the 11th day of October, 2023.

KENDALL D. CLOUD, Defendant

By: /s/Leilani L. Tynes
Leilani L. Tynes (MB# 100074)
Assistant Federal Public Defender
Southern District of Mississippi
2510 14th Street, Suite 902
Gulfport, MS 39501
Phone: (228) 865-1202
Fax: (228) 867-1907
Email: Leilani.Tynes@fd.org
Attorney for Defendant

CERTIFICATE OF SERVICE

I, Leilani L. Tynes, do hereby certify that I have this day electronically filed the foregoing Motion with the Clerk of the Court using the ECF system which sent notification of such filing to the Assistant United States Attorney Annette Williams.

SO CERTIFIED, this the 11th day of October, 2023.

By: /s/Leilani L. Tynes
Leilani L. Tynes
Assistant Federal Public Defender